IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8587 of 2005

For Approval and Signature:

HON'BLE MR JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AHIRBHAI HARSURBHAI DEVDASBHAIVAGH - Petitioner(s)

Versus

THE STATE OF GUJRAT & 1 - Respondent(s)

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Appearance :

MR ANAND L SHARMA for Petitioner No(s).: 1.

MR MR MENGDEY AGP for Respondent No(s).: 1,2.

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CORAM : HON'BLE MR JUSTICE AKIL KURESHI

Date : 10/08/2005

ORAL JUDGMENT

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1. Rule. Learned AGP Mr. M.R. Mengdey wavies service of Rule on behalf of the respondents.

2. In the present petition, the petitioner has challenged an order dated 30th September, 2004 passed by Collector, Amreli as confirmed by the Joint Secretary (Appeals), Revenue Department, Govt. of Gujarat by his order dated 7th March, 2005. Primarily, the orders under challenge pertain to revenue entires with respect to the land in question. It is by now well settled, that the revenue entries do not decide rights between the parties. If the petitioner has any right over the land in question, it would be open for him to approach Civil Court or other competent forum for establishing his rights. In that view of the matter, I do not find any reason to interfere with the impugned orders, in so far as the same pertain to the question of deciding the entries in the revenue records. The Collector has however, while deciding the question of entries has also directed that the land should be placed in the original position, this may mean that the petitioner to handed over the possession thereof. While deciding the legality of the revenue entries, it was not open to the Collector to demand possession of the land in question. While disposing of this petition, it is observed that the possession of the petitioner shall not be disturbed

without following due process of law. Subject to the above observations, the petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

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